

CELTIC ORNAMENTS FOUND IN IRELAND.

SUMMARY, prepared by the Treasury, of Facts and Correspondence with respect to certain Celtic Ornaments found in the year 1896 at Linnavady, in the North West of Ireland.

Presented to both Houses of Parliament by Command of Her Majesty.



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In April 1898 the Irish Government forwarded to the Treasury a communication from the Royal Irish Academy, asking the Government to facilitate the passing of an Act to enable the British Museum to allow certain gold ornaments to be transferred to the museum of the Royal Irish Academy.

The gold ornaments in question had been found early in 1896 by a farm-labourer whilst ploughing the lands of Mr. Gibson, near Linavady, in the North West of Ireland. They passed into the possession of Mr. Gribben, a Jeweller of Belfast, by whom they were sold to Mr. Day, a collector of antiquities and a member of the Royal Irish Academy, who, after exhibiting them publicly in London in January 1897, sold them in the May following to the Trustees of the British Museum for 600*l*.

In reply to a question in the House of Commons on the 29th March 1898, the Attorney General for Ireland stated that, on the facts, so far as he had been able to ascertain them, these articles were in his opinion Treasure Trove and belonged to the Crown.

It has for many years been the practice of the Treasury, under an arrangement made in 1860, to give the Royal Irish Academy the refusal of all Treasure Trove found in Ireland.

The matter gave rise to Parliamentary questions and discussions in the Session of 1898, in the course of which it was several times stated that the difficulty in the way of the cession of the ornaments to Ireland lay in the fact that the Trustees of the British Museum are precluded by statute from parting with any object which they have acquired, unless it is either a duplicate or is useless for the purposes of the Museum. To meet this difficulty Mr. W. Redmond brought in a Bill to legalise the transfer of Irish antiquities from the British Museum to the National Museum at Dublin, but the measure was not proceeded with. Ultimately the First Lord of the Treasury agreed to appoint a Committee to investigate the matter, and a Committee consisting of—

Lord Rathmore,
Mr. John Morley,
Sir John Lubbock,
Sir John Evans,
Sir Herbert Maxwell, and
Sir Thomas Esmonde,

was appointed accordingly by a Treasury Minute dated the 24th October 1898.

In its Report, dated 5th April 1899, the Committee—

(1.) Related the circumstances under which the gold ornaments came into the possession of the British Museum ;

(2.) Suggested certain regulations, " should it at any time be deemed advisable to make such regulations," to govern the proceedings of the museums of the three countries as regards curiosities offered for sale ;

(3.) Recommended (Sir J. Lubbock and Sir J. Evans demurring) some relaxation of the present law preventing the British Museum from parting with objects which it has acquired.

On receiving this Report, the Treasury decided to obtain—

(a.) An opinion from the Irish Law Officers on the question whether the gold ornaments could now be successfully claimed as Treasure Trove against an adverse claimant ;

(b.) A joint opinion from the English and Irish Law Officers on certain further questions.

The Irish Law Officers, going somewhat beyond the particular point referred to them, advised—

(1.) That the ornaments are *prima facie* Treasure Trove ;

(2.) That there has not been any sale of them in-market overt ;

(3.) That an inquisition by a Coroner is not a necessary preliminary to the institution either of a prosecution by the Crown for concealment or of a suit to recover the articles ;

(4.) That there is not anything in the statutes governing the British Museum which would enable the Trustees to hold, as against the true owner, goods stolen but not sold in market overt ;

(5.) That the Trustees are therefore bound to give up the ornaments to the Crown if required to do so.

Before submitting the further case for the joint opinion of the English and Irish Law Officers, the Treasury communicated a draft to the Trustees for their consideration. The latter thereupon put forward a further contention, that the ornaments had been found in a field, which, until within the last sixty years, formed part of the bed of the sea ; that under these circumstances the articles could not have been hidden with a view to their recovery ; and that they are therefore not Treasure Trove within Blackstone's definition of that term. A statement embodying this argument was added to the draft case.

The following joint opinion was given on the 2nd February 1900, by Sir R. Webster, Mr. Atkinson, and Sir R. Finlay, on the several points referred to them :

(1.) Whether the ornaments in question are Treasure Trove is a question of fact whether they were originally hidden or merely lost. If the circumstances as stated in evidence before the Committee of Inquiry be established by evidence, we think that the Jury on an Inquisition, or any Court by which the question was determined, ought to find Treasure Trove in this case. It is a question of evidence.

(2.) Assuming the ornaments are Treasure Trove, they can, in our opinion, be recovered from the Trustees of the British Museum.

(3.) As to whether the Trustees of the British Museum would have any remedy against Mr. Day, by whom the ornaments were sold to the Trustees, it would depend so much on the circumstances of the sale that we think it best not to express any opinion upon this point at present.

In March 1900, the Law Officers of the two countries were, at the request of the Irish Government, again consulted with regard to certain additional information which had been obtained as to the place in which the ornaments were found and the circumstances of the discovery, and the following further joint opinion was given on the 20th March :

" Upon the facts now stated being established, we are of opinion that the articles in question should be adjudged to belong to the Crown as Treasure Trove.

" Richard E. Webster.

" John Atkinson.

" Robert B. Finlay."

This further opinion was on the 17th May forwarded by the Treasury for the consideration of the Trustees of the British Museum, who on the 31st of the same month replied as follows :—

My Lords,

British Museum, 31 May 1900.

I AM directed by the Trustees of the British Museum to acknowledge the receipt of your Lordships' letter of the 17th instant, transmitting for their consideration the case and joint opinion of the Law Officers for England and Ireland, dated December last, and also a further case and joint opinion, dated March last, respecting the Celtic Gold Ornaments found in Ireland and purchased in 1897 by the British Museum.

The Trustees observe that, in their opinion on the two cases submitted to them, the Law Officers point to the establishment of the statements put forward regarding the finding of the ornaments and the site of their discovery as a preliminary step to the determination of the allegation that they are Treasure Trove.

The Trustees would point out that, even within the memory of the witnesses whose statements are quoted, the sea has on more than one occasion burst over the land where the objects are alleged to have been found, and that the probability is that, at the date to which the objects belong, the sea extended further inland than it has done within the last few centuries. If such were the case, the Law Officers would no doubt agree that the articles could not be Treasure Trove.

The Trustees conceive that their position in the matter is clearly defined. Under the powers conferred upon them by Act of Parliament they purchased the ornaments as desirable objects for the public collections in their charge; and it would be a direct contravention of their duty as Trustees to surrender the ornaments unless it be proved that they are in wrongful possession. It is not a question of the Trustees abandoning the claim, as the Irish Under-Secretary suggests. The Trustees have no option in the matter; they are bound to hold possession of the objects, unless the claim of the Crown to them as Treasure Trove should be legally established, a conclusion which is consistent with the opinions of the Law Officers. If, then, in your Lordships' judgment the claim of the Crown should be prosecuted, the Trustees must await the legal decision which your Lordships will no doubt take the necessary measures to obtain.

But even if the claim of the Crown to the ornaments as Treasure Trove should be established, the Trustees would submit that it should be a matter for grave consideration whether the rights of the Crown should be exercised by the removal of the ornaments from the national Museum of the United Kingdom.

The Trustees could not dispute the authority of the Crown to enforce those rights; but they cannot refrain from expressing their opinion that to remove from the custody of the British Museum objects which have been purchased in good faith for public use would create a feeling of distrust both among archaeologists and also in the mind of the general public.

The Trustees also feel bound to point out that a more stringent exercise of the law of Treasure Trove would have a lamentable effect on science, as it would lead to concealment of the circumstances under which objects were discovered, and to their being melted down or sold to other countries. The protracted delay of the Royal Irish Academy and of the Irish Government in setting on foot the necessary inquiries for the establishment of the claim to the ornaments as Treasure Trove is responsible for the controversy which has arisen. The Trustees consider that they have acted in the best interests of the public by securing the ornaments, which otherwise might have been irretrievably lost.

I return the papers herewith.

I have, &c.

(signed) *E. Mordaunt Thompson.*

The Right Honourable

The Lords Commissioners of

Her Majesty's Treasury.

Upon receipt of this letter, and in view of the suggestion of the Trustees that, "if the claim of the Crown should be prosecuted the Trustees must await the legal decision which your Lordships will no doubt take the necessary measures to obtain," the Treasury on the 15th June 1900 instructed their Solicitor to take whatever steps may be necessary to obtain a judicial decision on the question whether the ornaments are Treasure Trove.
